

Message Text

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ACTION EB-08

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FM AMEMBASSY MANILA
TO SECSTATE WASHDC 6269

UNCLAS MANILA 08692

E.O. 11652: N/A

TAGS: EINV, RP

SUBJECT: POSSIBLE AMCIT CLAIMS FOR EXPROPRIATED LAND

REF: STATE 128109

1. EMBASSY AND USAID NOT AWARE OF ANY PENDING OR POTENTIAL U.S. CITIZEN CLAIMS AGAINST GOP FOR LAND HOLDINGS "EXPROPRIATED" UNDER PD 27.

2. WE HAVE HEARD OF ONLY ONE CASE WHEREIN A U.S. CITIZEN WHO HAD BEEN A LONG TIME RESIDENT OF THE PHILIPPINES GAVE HER LAND TO THE GOVERNMENT ON CONDITION IT WOULD BE REDISTRIBUTED TO TENANT FARMERS UPON ISSUANCE OF PD 27.

3. IT IS THE OPINION OF DIRECTOR JOSE SANTOS OF THE BUREAU OF AGRARIAN LEGAL ASSISTANCE, DEPARTMENT OF AGRARIAN REFORM, AND OF USAID LAND REFORM ADVISOR, THAT IN FACT THERE CAN BE NO CLAIM AGAINST THE GOP FOR "EXPROPRIATION" OF LAND UNDER PD 27 BECAUSE TECHNICALLY THE LAND WAS NOT EXPROPRIATED. THE TENANT FARMERS WERE DEEMED THE RIGHTFUL OWNERS, AND ARE REQUIRED TO AMORTIZE COST OF LAND PLUS INTEREST WITH THE LANDOWNERS OF RECORD OVER A FIFTEEN YEAR PERIOD.

4. IN ANY CASE, THERE IS A VERY NARROW TIME FRAME BETWEEN
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ISSUANCE OF PD 27 IN OCTOBER 1972 AND EXPIRATION OF LAUREL/LANGLEY IN JULY 1974, WHEN U.S. CITIZENS LOST ALL RIGHTS TO LAND OWNERSHIP, WHEREIN U.S. CITIZEN LANDOWNERS COULD HAVE BEEN SUBJECT TO LAND TRANSFER UNDER PD 27. AS LAND DIVESTMENT PROCEEDINGS STARTED WELL IN ADVANCE OF OFFICIAL EXPIRATION OF LAUREL/LANGLEY WE CONCLUDE IT VERY UNLIKELY THAT U.S. CITIZEN LANDHOLDERS WOULD HAVE BEEN

AFFECTED BY PD 27 ITSELF.

5. DIRECTOR SANTOS HAS VOLUNTEERED TO CHECK WITH REGIONAL AGRARIAN REFORM OFFICES TO SEE IF THERE ARE ANY RECORDS OF U.S. CITIZEN LANDS BEING SUBJECT TO LAND TRANSFER. WE WILL INFORM THE DEPARTMENT IN THE UNLIKELY EVENT ANY ARE UNCOVERED. TOUSSAINT

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